

1 SENATE BILL 378

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

3 INTRODUCED BY

4 Mary Kay Papen

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10 AN ACT

11 RELATING TO JUVENILE JUSTICE; PROHIBITING THE USE OF PHYSICAL
12 RESTRAINTS ON A CHILD IN THE COURTROOM UNLESS ORDERED BY THE
13 COURT IN CERTAIN CIRCUMSTANCES; REQUIRING FINDINGS OF FACT IN
14 SUPPORT OF THE ORDER.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 Section 1. A new section of the Children's Code is
18 enacted to read:

19 "[NEW MATERIAL] USE OF PHYSICAL RESTRAINTS.--A court shall
20 not allow the use of physical restraints on a child in the
21 courtroom unless the court finds the restraints to be
22 reasonably necessary to maintain order, prevent the child's
23 escape or provide for the safety of others in the courtroom. A
24 court shall provide the child and the child's attorney an
25 opportunity to be heard to contest the use of physical

.170837.1

underscored material = new
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1 restraints before the court orders the use of restraints. If
2 physical restraints are ordered, the court shall make findings
3 of fact in support of the order."

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